

Exhibit A



No Left Turn in Education
New Hampshire Chapter
P.O. Box 1101
Moultonborough, NH 03254

February 7, 2022

Superintendent Garth J. McKinney
Nashua SAU Office
141 Ledge Street
Nashua, N.H. 03061-0687

RE: Probable violation of New Hampshire's Educator Codes of Conduct by educators
Samantha Leone, Paul Menard, Jocelyn Merrill and Stephanie Cassidy of SAU #42

Superintendent McKinney:

No Left Turn in Education (NLTE) is a national education advocacy organization in which I serve as the director of the New Hampshire Chapter. We write today to present SAU #42 with evidence that four educators in your district are engaged in ongoing violation of New Hampshire's Educator Codes of Conduct.

As you know, on June 25, New Hampshire enacted a Prohibition on Teaching Discrimination. This law prohibits teaching that any person or group of people is inherently racist, sexist, or oppressive, or that any person or group of people should be discriminated against on the basis of their race or sex.

New Hampshire's Department of Education, Department of Justice, and Commission for Human Rights have issued a joint memorandum summarizing this law in the following words: "In short, do not teach that a person or a group is inherently oppressive, superior, inferior, racist, or sexist. Teach and treat all equally and without discrimination."¹

As acknowledged in the joint memorandum, New Hampshire law also makes any violation of the Prohibition on Teaching Discrimination a breach of the Educators Code of Conduct. The statute says that "[v]iolation of this section by an educator *shall be considered a violation* of the educator code of conduct that justifies disciplinary sanction by the state board of education."

¹ <https://www.doj.nh.gov/civil-rights/documents/faq-educational-programs.pdf>

On August 11, in explicit response to the Prohibition on Teaching Discrimination—along with eleven analogous bills introduced in other states—the Marxist organization Zinn Education Project called upon educators around the country to sign a pledge (the “Zinn Pledge”) promising to openly violate any such prohibitions should they become law. The organization claims to base this pledge upon the principle that “one has a moral responsibility to disobey unjust laws.”²

The Zinn Pledge and its signatories are publicly available online. Sadly, at present, 4educators in SAU #42 have openly promised to violate the Prohibition on Teaching Discrimination. These teachers are Samantha Leone, Paul Menard, Jocelyn Merrill and Stephanie Cassidy. By signing this pledge, these educators have promised not only to violate their ethical obligations and the law, but, more importantly, to promote racism or sexism in their classrooms.

This is not an overstatement. In its own words, the Zinn Pledge says it opposes banning education which “identifies people or groups of people... as inherently, immutably, or systemically sexist, racist, anti-LGBT, bigoted, biased [or] privileged.” All of the signatories of the Zinn Pledge can be assumed to have read the public document to which they signed their names.

Some educators signed the Zinn Pledge before New Hampshire’s law was passed. However, to downplay the pledge for that reason would be to ignore the pledge’s clear words. The pledge’s signatories explicitly anticipated the passage of New Hampshire’s current law and promised to break that law after it was enacted.

At a minimum, these teachers’ decision to sign the Zinn Pledge is evidence that they are potentially violating the Educators Code of Conduct and, more importantly, using their positions as educators to instill racism, sexism, and other forms of invidious prejudice in their students.

It is also more than enough evidence for SAU #42 to investigate these educators—and to trigger the district’s ethical duty to act. 510.05 of the Educator Codes, entitled “Duty to Report,” states that “[a]ny credential holder shall report any suspected violation of the code of conduct following the school, school district, or SAU reporting procedures.”³ The Prohibition on Teaching Discrimination is the law of New Hampshire and states directly that “[v]iolation of this section by an educator *shall be considered a violation* of the educator code of conduct.”

Moreover, the Educator Code itself states that “the department [of education] shall undertake an investigation” of any educator if it merely “has reason to suspect” that the educator knowingly *failed to report* a violation of the Codes.⁴

In addition to educators’ universal duty to report, superintendents have specific duties under the Codes. 510.05(c) states that a superintendent “*shall report...* to the office of credentialing” when “a superintendent has knowledge that a credential holder has violated the code of conduct.”

² <https://www.zinnedproject.org/news/pledge-to-teach-truth>

³ Ed. 510.05(a).

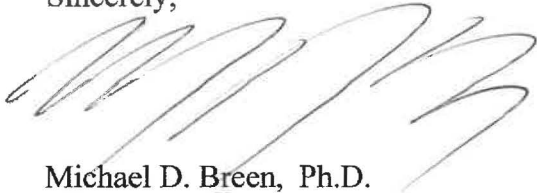
⁴ Ed. 510.05(f).

While this provision cites Ed. 510.01 and the following sections, all of these sections state that unprofessional conduct “shall... not be limited to” the offenses those section expressly enumerate. More importantly, New Hampshire statute directly provides that any violation of the Prohibition on Teaching Discrimination “shall be considered a violation of the educator code of conduct.”

Accordingly, we urge that the district protect our children by investigating these signatories for potential violations of their ethical obligations and the law.

The names and school district of the signatories in SAU #42 were derived from the Zinn Pledge itself and other publicly available information. We encourage the district to verify the information in this letter directly by viewing the Zinn Pledge online at <https://www.zinnedproject.org/news/pledge-to-teach-truth>.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. D. Breen', written in a cursive style.

Michael D. Breen, Ph.D.
Director
NH Chapter, No Left Turn in Education